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November 28, 2006

VIA UPS OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" Street, N.W. Room 504
Washington, DC 20423-0001

ENTERED
Office of Proceedings

DEC 1 - 2006

Part of
Public Record

Attention: Victoria Rutson

RE: Docket No. AB-33 (Sub-No. 209), Union Pacific Railroad Company - Discontinuance of Operation - In Utah County, Utah (Elberta Line Including Tintic Industrial Lead, Goshen Valley Branch and Iron King Branch)

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket are the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing an Application for Abandonment in this matter on or after December 18, 2006.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Mack H. Shumate, Jr.", with a stylized flourish at the end.

Enclosures

O:\ABANDONMENTS\33-209\EHRLetter.doc

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

cc: Utah State Clearinghouse
Department of Environmental Quality
Utah City Council
U.S. Environmental Protection Agency
U.S. Fish & Wildlife Service
U.S. Army Engineer District
National Park Service
National Resource Conservation Service
National Geodetic Survey
Utah State Historical Society

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 209)

UNION PACIFIC RAILROAD COMPANY
-- DISCONTINUANCE --
IN UTAH COUNTY, UTAH
(ELBERTA LINE INCLUDING TINTIC INDUSTRIAL LEAD, GOSHEN VALLEY
BRANCH, AND IRON KING BRANCH)

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

Dated: November 28, 2006
Filed: November 29, 2006

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 209)

UNION PACIFIC RAILROAD COMPANY
-- DISCONTINUANCE --
IN UTAH COUNTY, UTAH
(ELBERTA LINE INCLUDING TINTIC INDUSTRIAL LEAD, GOSHEN VALLEY
BRANCH, AND IRON KING BRANCH)

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 CFR §1105.7(e) and 49 CFR §1105.8(d), respectively, for a discontinuance of the Elberta Line, including the Tintic Industrial Lead from Milepost 5.52 to Milepost 27.23, the Goshen Valley Branch from Milepost 0.0 to Milepost 3.80, and the Iron King Branch from Milepost 0.0 to Milepost 2.15 , a total distance of 27.57 miles in Utah County, Utah (the "Line"). The Line traverses U.S. Postal Service Zip Codes 84626, 84633, and 84651.

The UP anticipates that an Application for Discontinuance of the Line will be filed with the STB on or after December 18 2006.

A map of the Line marked **Attachment No. 1** is attached hereto and hereby made part hereof. UP initially contacted federal, state and local agencies concerning the proposed discontinuance of the Elberta Line on July 18, 2003. This initial contact was supplemented with an identical contact on October 17, 2006. These two (2) UP letters to federal, state and local government agencies are marked

Attachment No. 2 and **Attachment No. 3**, respectively, are attached hereto and hereby made a part hereof. Responses received to UP's letters to date are attached and sequentially numbered.

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

(1) Proposed action and alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves the discontinuance of service on the Elberta Line, including the Tintic Industrial Lead from Milepost 5.52 to Milepost 27.23, the Goshen Valley Branch from Milepost 0.0 to Milepost 3.80, and the Iron King Branch from Milepost 0.0 to Milepost 2.15, a total distance of 27.57 miles in Utah County, Utah.

The Elberta Line consists of three "end to end" line segments - the Tintic Industrial Lead from Milepost 5.52 near Spanish Fork to Milepost 27.23 near Pearl, the Goshen Valley Branch from Milepost 0.0 near Pearl to Milepost 3.8 near Burgin (milepost 2.89 equals Milepost 2.98) and the Iron King Branch from Milepost 0.0 near Burgin to the end of track at Milepost 2.15 near Iron King, a total of 27.57 miles. Only the Tintic Industrial Lead handled business in recent years essentially as a tail room point for the Deseret Grain facility at approximately milepost 26.0. The Line has been out of service since the end of 2002 because of deteriorated track condition. Deseret Grain has utilized truck service for its transportation needs since the end of 2002.

These truck movements have involved truck delivery of corn to and truck shipments of wheat from the Deseret Grain facility. These truck movements have qualified as substitute service, and monetary compensation has been and is paid by UP to Deseret Grain for those movements where logistics involving truck delivery of corn to, or truck shipment of wheat from, the Deseret Grain facility results in documented logistics costs higher than what would have been the rail direct cost had UP provided the transportation by rail at the applicable rate. The remaining track segments, though filed as part of this Application, clearly qualify for out-of-service exemptions and should be approved for discontinuance of service by the STB regardless of the Board's decision on the historically active segment.

In 2005, Deseret informed UP that it was developing dairy activity at the Deseret Grain facility at Elberta, Utah, and that if rail service was restored there would be additional volume and commodities. Deseret gave UP its projections, UP priced them and developed a pro forma estimate based on the theoretical economic result. This proforma estimate uses Deseret Grain's own projections. Therefore, the traffic pattern projection for the forecast year gives maximum weight to Deseret Grain's estimates even though there is no guarantee that Deseret Grain would actually have shipped anything under these rates from or to its facility at Elberta, Utah. In July, 2006 UP sent a letter to Deseret Grain describing the reasons UP concluded that operation of the Elberta Line needed to be discontinued. A copy of UP's letter is attached as **Attachment No. 4**, and is hereby made part hereof. In subsequent phone conversations, Deseret Grain took no exception to the estimates used in the letter.

The area is well served by federal and state highways and local roads. Since the Line to be discontinued has had no local industry business since 2002, the proposed discontinuance will have no effect on area highway traffic patterns and there will be no increase in truck traffic on area roads.

The portion of the Elberta Line known as the Tintic Industrial Lead was constructed by the Tintic Range Railway Company in 1891 and 1892. Current rail includes 100-pound and 110-pound jointed rail laid in 1973 between the Tintic Industrial Lead segment starting at Milepost 5.52 and Milepost 10.0, 85-pound jointed rail laid in 1915 between Milepost 10.0 and Milepost 14.5, 131-pound jointed rail laid in 1972 between Milepost 14.5 and Milepost 16.0, 85-pound jointed rail laid in 1915 between Milepost 16.0 and Milepost 21.0, and 75-pound jointed rail laid in 1913 between Milepost 21.0 and the end of the Tintic Industrial Lead segment. The Goshen Valley Branch was constructed by the Goshen Valley Railroad in 1919 and the original 85-pound and 75-pound jointed rail is still in place. The Iron King Branch was constructed in 1919 by the Goshen Valley Railroad and was laid with 75-pound rail which is still in place.

Approximately 50% of the property affected by the proposed discontinuance is federally-granted right-of-way, and therefore reversionary. Transfer of title, therefore, would not provide the transferee with an unbroken right-of-way. However, if the land is acquired by a public entity for recreational or other public purposes, the United States of America may be willing to convey an interest in the reversionary property sufficient for a public entity to utilize the property for recreational or other public purposes. Since adequate roads already exist, the feasibility of using

the majority of the property for roads, highways, or mass transportation appears to be marginal. However, that portion of the Line east of the City of Payson, Utah, will most likely be used for mass transportation and is currently owned by Utah Transit Authority. Conservation, energy production or transmission also appear unlikely. The most likely use of the Line west of Payson would be for recreational activities such as biking, hiking, or ATV trail use.

Based on information in UP's possession, the Line contains several segments of federally granted right-of-way that are reversionary and which collectively account for approximately fifty percent (50%) of the property affected by the proposed discontinuance. Any documentation in UP's possession will be made available to those requesting it.

A map of the Line is attached as **Attachment No. 1**.

(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: As discussed above, the Line has had no local industry rail traffic business nor overhead rail traffic since 2002. As such, the proposed discontinuance should have no effect on area highway traffic patterns and there will be no increase in truck traffic on area roads.

(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by §1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response:

(i) The County Commissioner has been contacted. To date UP has received no response.

(ii) The United States Natural Resources Conservation Service has been contacted and by letter dated July 31, 2003, has stated that the proposed discontinuance will not affect any prime farmland. The Natural Resources Conservation Service response is attached as **Attachment No. 5**, and is hereby made part hereof. No additional response has been received.

(iii) Not Applicable.

(iv) If the land is acquired by a public entity for recreational or other public purposes, the United States of America may be willing to convey the reversionary interests. The most likely public use for the Line would be recreational activities such as biking, hiking, or ATV trail use. However, that portion of the Line east of Payson, Utah, may be utilized by the Utah Transit Authority for commuter rail purposes.

(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response:

(i) There are no effects on the transportation of energy resources in view of the absence of rail shipments on the Line.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no change in energy consumption resulting from the discontinuance of service.

(iv)(A)(B) There will be no rail-to-motor diversion.

(5) Air.

(i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. §10901 (or §10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§(5)(i)(A) will apply.

Response:

There is no such effect anticipated.

(5) Air.

(ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. §10901 (or 49 U.S.C. §10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response:

There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

(5) Air.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response:

The proposed action will not affect the transportation of ozone depleting materials.

(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more
or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response:

(i) The proposed action will have no detrimental effects on public health and safety. If the Board permits removal of any or all at-grade crossings on the Line west of Payson, Utah, vehicle delay time at grade crossings resulting from the stopping of school buses and hazardous tanker trucks, as is required by applicable law, could potentially be eliminated.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) Biological resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response:

(i) The U. S. Fish and Wildlife Service was contacted in 2003 regarding the then proposed abandonment of the Elberta Line. At that time the U. S. Fish and Wildlife Service recommended the sections of rail proposed for abandonment be investigated for environmental contaminants, including both soil and water quality testing. The August 12, 2003 response of the U. S. Fish and Wildlife Service is attached as **Attachment No. 6** and is hereby made part hereof. However, the U. S. Fish and Wildlife Service was again contacted by letter dated October 17, 2006, regarding any concerns with the discontinuance of the Elberta Line rather than full abandonment and salvage of the Line. To date UP has received no response. In that the only authority now being sought by Union Pacific is to discontinue service on the Line, the concerns raised by the U.S. Fish and Wildlife Service related to full abandonment and salvage of the Line are no longer applicable and voluntary salvage activities, if any, would be limited to the right-of-way of public roads if the Board chooses to permit removal of unnecessary at-grade railroad crossing on the western portion of the Line.

(ii) The National Park Service has been contacted and reviewed the proposed discontinuance. The National Park Service by confirmatory stamp dated

October 25, 2006, determined that no parks will be affected. The National Park Service's response is attached as **Attachment No. 7**, and is hereby made part hereof.

(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response:

(i) The Utah Department of Environmental Quality has been contacted.

To date UP has received no responses

(ii) The U.S. Army Corps of Engineers has been contacted. To date UP has received no response.

(iii) It is not anticipated there will be any requirements for Section 402 permits.

(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: There are no rail and structures on the Line that are 50 years old or older. See Attachment No. 1. In addition, since the authority sought is for discontinuance of service rather than abandonment, no removal of any structures will take place on the Line.

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

Response: The right-of-way can be divided into three segments. The western most segment, the Iron King Branch, from Milepost 0.0 near Burgin to Milepost 2.15 at the end of the track near Iron King, is generally 100 feet in width, with some segments narrower, and others 200 feet in width. This portion of the Line is in a mountainous terrain formally used for conveyance of mining cars. The mining industry is no longer operating on a scale requiring train service. The middle segment, The Goshen Valley Branch, is a sparsely populated agricultural area extending from Milepost 0.0 near Pearl to Milepost 3.8 near Burgin. It is generally flat, open terrain, again, approximately 100 feet in width, with some segments narrower, and others 200 feet in width. The eastern most segment is the Tintic Industrial Lead, extending from Milepost 5.52 near Spanish Fork to Milepost 27.23 near Pearl. This segment is generally flat, but somewhat urbanized around the communities of Santiquin, Goshen,

and Elberta. The right-of-way width is predominately 100 feet with variations similar to those described in the other segments.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Response: Since the proposed action is a discontinuance of operations as opposed to an abandonment, no structures in the area, regardless of age, will be affected.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response: Not applicable.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

Response: See the preceding pages for a brief history and description of carrier operations.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Response: Not applicable.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR §60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area. UP believes that there is nothing in the scope of the project that merits historical comment and that any

archeological sites within the scope of the right-of-way would have previously been disturbed during the construction and maintenance of the Line. Regardless, since the proposed action is a discontinuance of service and not an abandonment, no existing structures will be affected.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

Response: UP does not have any such readily available information.

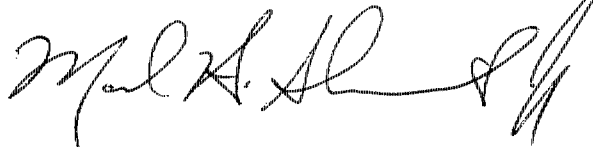
(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 28th day of November, 2006.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", is written over the company name.

Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 209) for the Elberta Line in Utah County, Utah was served by first class mail on the 28th day of November, 2006 on the following:

State Clearinghouse (or alternate):

Utah State Clearinghouse
Office of Planning and Budget
State Capitol Complex, Suite E210
Salt Lake City, UT 84114-1547

State Environmental Protection Agency:

Department of Environmental Quality
Division of Water Quality
P.O. Box 144870
Salt Lake City, UT 84114-4870

**State Coastal Zone Management Agency
(if applicable):**

Not applicable.

Head of County (Planning):

Utah County Council
100 East Center Street
County Administration Building
Provo, UT 84606-3106

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency
Region VIII
999 18th Street, Suite 200
Denver, CO 80202

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service
Mountain-Prairie Regional Office
134 Union Blvd.
Lakewood, CO 80228

U.S. Army Corps of Engineers:

U.S. Army Engineer District, Sacramento
District Commander
1325 J Street
Sacramento, CA 95814-2922

National Park Service:

National Park Service
Intermountain Region
12795 Alameda Pkwy
Denver, CO 80228

**U.S. Natural Resources Conservation
Service:**

Natural Resource Conservation Service
4402 Bennett Federal Building
125 South State Street, Room 4402
Salt Lake City, UT 84138-1100

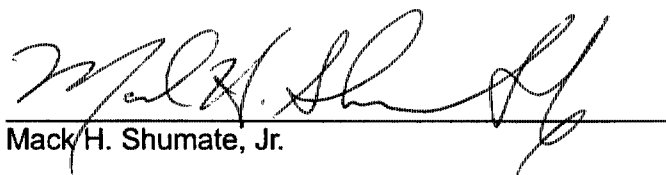
National Geodetic Survey:

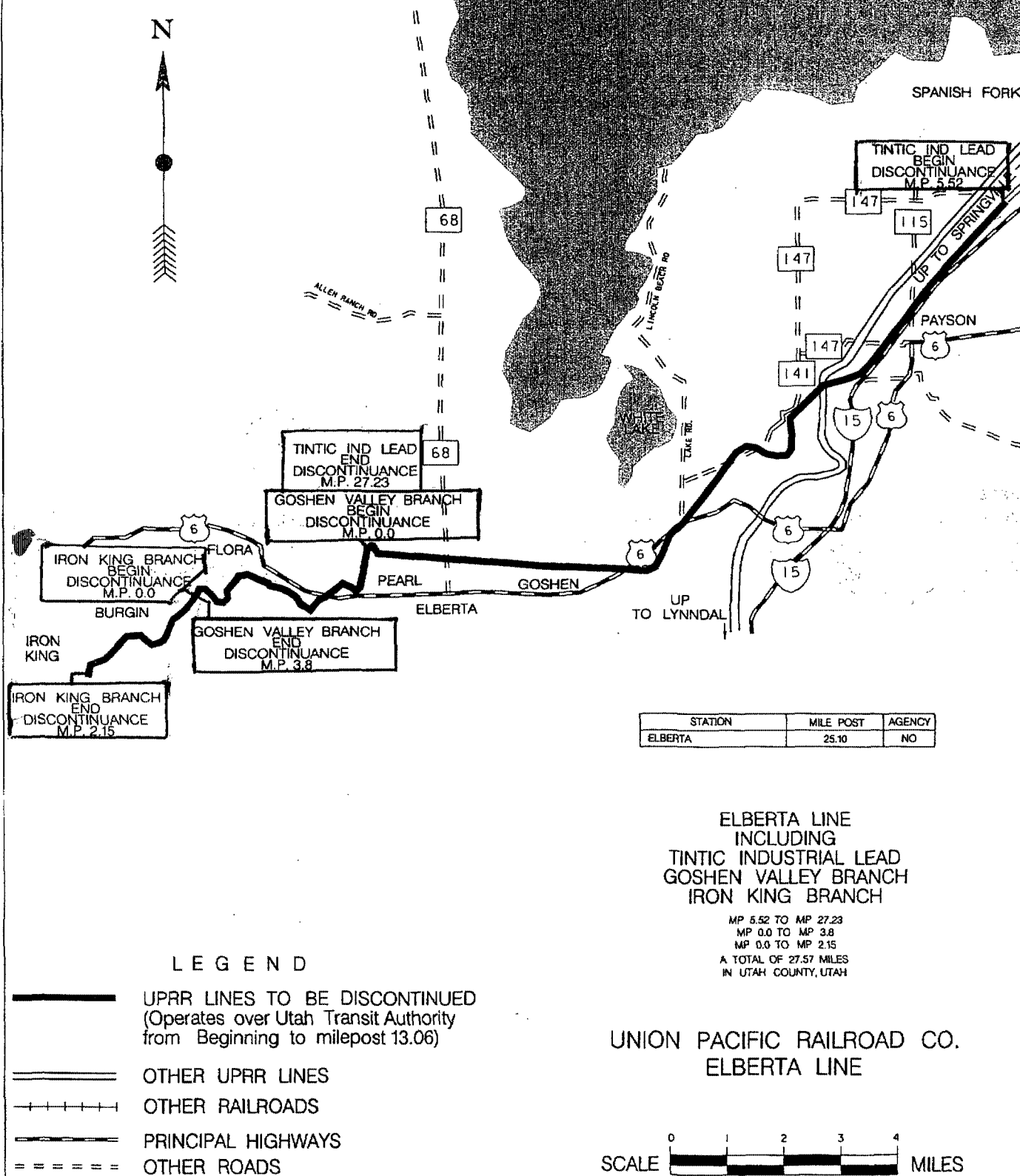
National Geodetic Survey
Frank Maida, Chief
Spatial Reference System Division
NOAA N/NGS23
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Utah State Historical Society
300 South Rio Grande Street
Salt Lake City, UT 84101

Dated this 28nd day of November, 2006


Mack H. Shumate, Jr.



CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY



1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861

July 18, 2003

State Clearinghouse (or alternate):

Utah State Clearinghouse
Office of Planning and Budget
Room 116, State Capitol
Salt Lake City, UT 84114

State Environmental Protection Agency:

Division of Environmental Health
P.O. Box 16700
Salt Lake City, UT 84116-0700

State Coastal Zone Management Agency

(if applicable):

Not applicable.

Head of County (Planning):

Utah County Commissioners
County Administration Building
100 East Center Street
Provo, UT 84606-3106

Environmental Protection Agency
(regional office):

U.S. Environmental Protection Agency
Region VIII
999 18th Street, Suite 500
Denver, CO 80202-2466

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 6
Denver Federal Center
Denver, CO 80225

U.S. Army Corps of Engineers:

U.S. Army Engineer District, Sacramento
District Commander
1325 J Street
Sacramento, CA 95814-2922

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:

Natural Resource Conservation Service
4402 Bennett Federal Building
125 South State Street
Salt Lake City, UT 84147

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Utah State Historical Society
300 Rio Grande
Salt Lake City, UT 84101

Other Agencies Consulted:

None.

Re: Proposed Abandonment of the Elberta Line from Spanish Fork to Iron King, including the Tintic Industrial Lead from M. P. 5.52 near Spanish Fork to M. P. 27.23 near Pearl; the Goshen Valley Branch from M. P. 0.0 near Pearl to M. P. 3.8 near Flora; and the Iron King Branch from M. P. 0.0 near Flora to M. P. 2.15 at Iron King, a total distance of 27.57 miles in Utah County, Utah; STB Docket No. AB-33 (Sub-No. 209)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Elberta Line from Spanish Fork to Iron King, including the Tintic Industrial Lead from M. P. 5.52 near Spanish Fork to M. P. 27.23 near Pearl; the Goshen Valley Branch from M. P. 0.0 near Pearl to M. P. 3.8 near Flora; and the Iron King Branch from M. P. 0.0 near Flora to M. P. 2.15 at Iron King, a total distance of 27.57 miles in Utah County, Utah. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

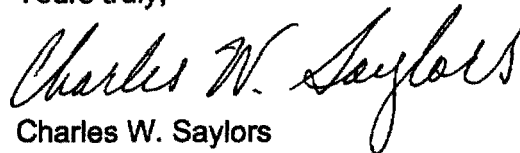
U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials

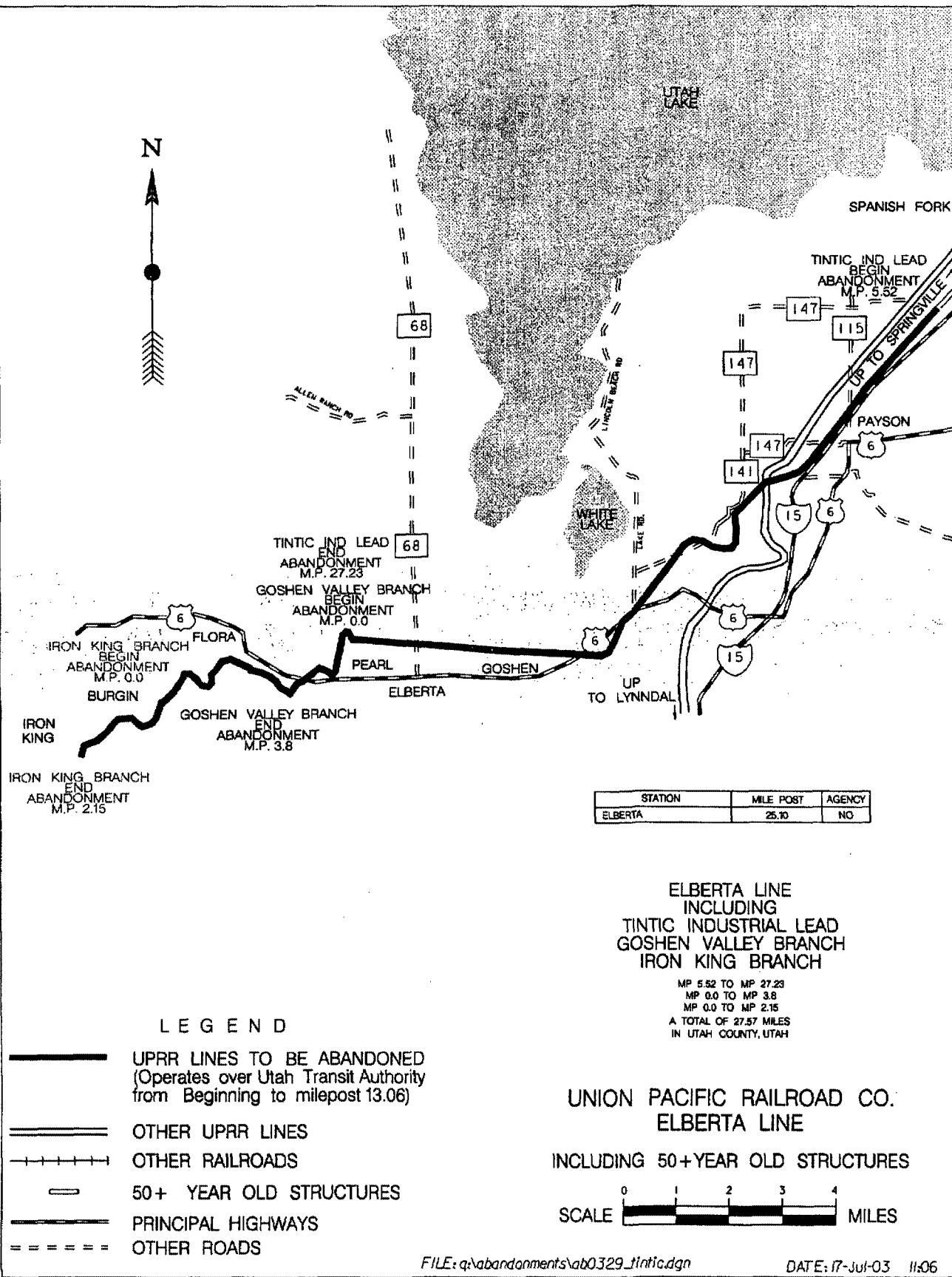
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Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

Yours truly,


Charles W. Saylor

Attachment





October 17, 2006

State Clearinghouse (or alternate):

Utah State Clearinghouse
Office of Planning and Budget
State Capitol Complex, Suite E210
Salt Lake City, UT 84114-1547

State Environmental Protection Agency:

Department of Environmental Quality
Division of Water Quality
P.O. Box 144870
Salt Lake City, UT 84114-4870

**State Coastal Zone Management Agency
(if applicable):**

Not applicable.

Head of County (Planning):

Utah County Council
100 East Center Street
County Administration Building
Provo, UT 84606-3106

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency
Region VIII
999 18th Street, Suite 200
Denver, CO 80202

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service
Mountain-Prairie Regional Office
134 Union Blvd.
Lakewood, CO 80228

U.S. Army Corps of Engineers:

U.S. Army Engineer District, Sacramento
District Commander
1325 J Street
Sacramento, CA 95814-2922

National Park Service:

National Park Service
Intermountain Region
12795 Alameda Pkwy
Denver, CO 80228

**U.S. Natural Resources Conservation
Service:**

Natural Resource Conservation Service
4402 Bennett Federal Building
125 South State Street, Room 4402
Salt Lake City, UT 84138-1100

National Geodetic Survey:

National Geodetic Survey
Frank Maida, Chief
Spatial Reference System Division
NOAA N/NGS23
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Utah State Historical Society
300 South Rio Grande Street
Salt Lake City, UT 84101

Re: Proposed Discontinuance of Operation of the Elberta Line from Spanish Fork to Iron King, including the Tintic Industrial Lead from M. P. 5.52 near Spanish Fork to M. P. 27.23 near Pearl; the Goshen Valley Branch from M. P. 0.0 near Pearl to M. P. 3.8 near Flora (equation: M. P. 2.89 = M. P. 2.98); and the Iron King Branch from M. P. 0.0 near Flora to M. P. 2.15 at Iron King, a total distance of 27.57 miles in Utah County, Utah; STB Docket No. AB-33 (Sub-No. 209)

Law Department

UNION PACIFIC RAILROAD
1400 Douglas St., Stop 1580, Omaha, NE 68179-1580
fx. (402) 501-0127

Dear Sirs:

On July 18, 2003 Union Pacific Railroad Company sent letters to many of you proposing the abandonment of the Elberta Line from Spanish Fork to Iron King in Utah County, Utah. Some of you responded to our July 18, 2003 letter and a copy of your response is attached to this letter, if applicable.

Union Pacific Railroad Company now plans to request authority from the Surface Transportation Board (STB) to discontinue operation of the Elberta Line from Spanish Fork to Iron King, including the Tintic Industrial Lead from M. P. 5.52 near Spanish Fork to M. P. 27.23 near Pearl; the Goshen Valley Branch from M. P. 0.0 near Pearl to M. P. 3.8 near Flora (equation: M. P. 2.89 = M. P. 2.98); and the Iron King Branch from M. P. 0.0 near Flora to M. P. 2.15 at Iron King, a total distance of 27.57 miles in Utah County, Utah. In a discontinuance of operations, the track remains in place and no salvage activities are scheduled. A map of the proposed track discontinuance shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

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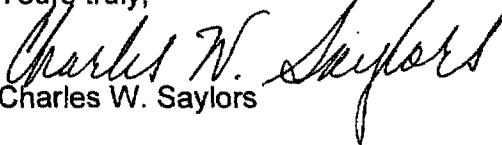
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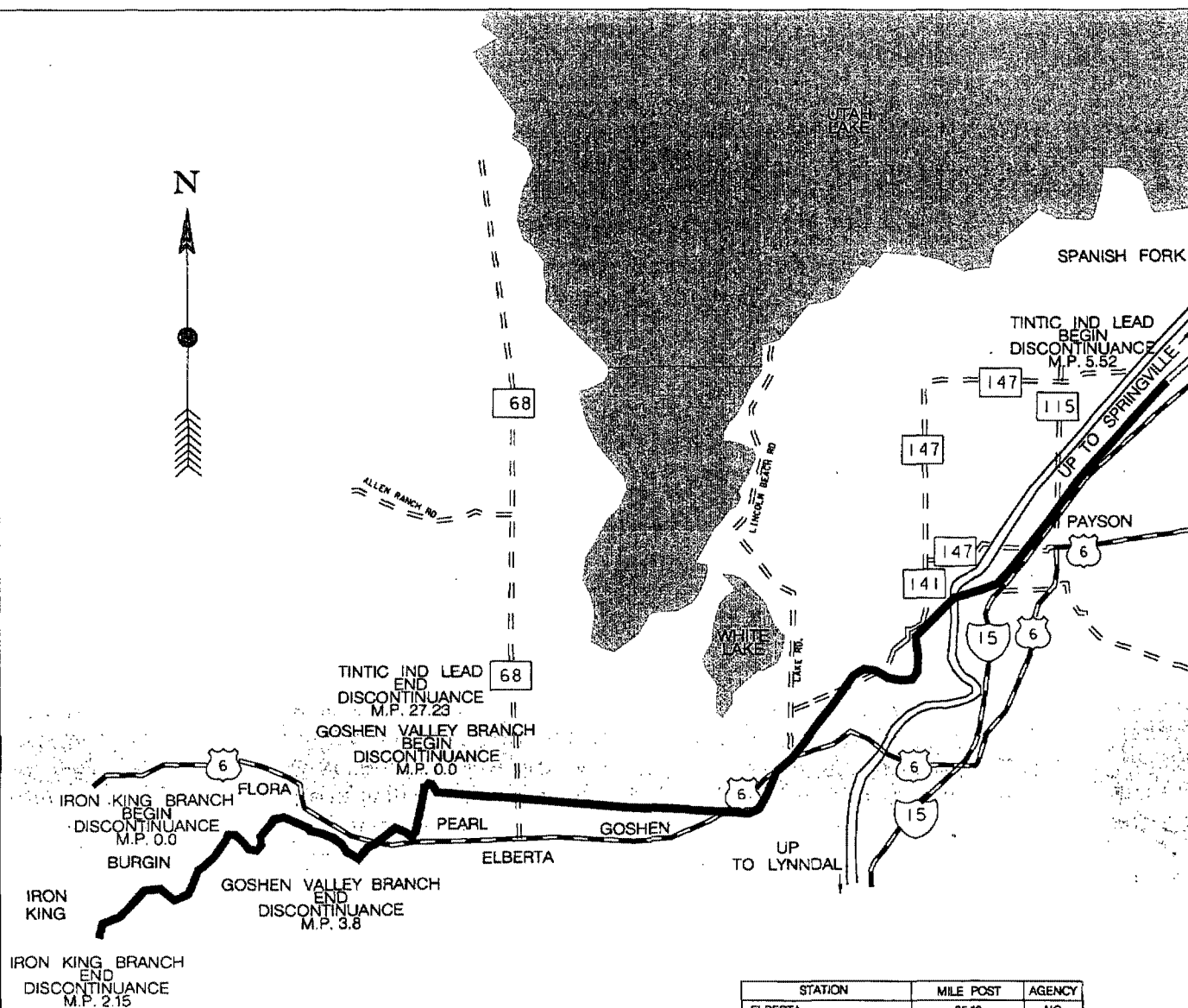
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Yours truly,


Charles W. Saylor

Attachment



STATION	MILE POST	AGENCY
ELBERTA	25.10	NO

ELBERTA LINE
INCLUDING
TINTIC INDUSTRIAL LEAD
GOSHEN VALLEY BRANCH
IRON KING BRANCH

MP 5.52 TO MP 27.23
MP 0.0 TO MP 3.8
MP 0.0 TO MP 2.15
A TOTAL OF 27.57 MILES
IN UTAH COUNTY, UTAH

LEGEND

- UPRR LINES TO BE DISCONTINUED
(Operates over Utah Transit Authority
from Beginning to milepost 13.06)
- OTHER UPRR LINES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS

UNION PACIFIC RAILROAD CO.
ELBERTA LINE





July 11, 2006

Mr. Rick LaFontaine
Deseret Mill & Elevators
61 South 600 West
Kaysville, UT 84037

Dear Mr. LaFontaine:

For the reasons referenced below, Union Pacific Railroad Company ("Union Pacific") has no reasonable alternative but to seek authority from the Surface Transportation Board ("STB") to discontinue its operation of the "Elberta Line", consisting of the Tintic Industrial Lead from Spanish Fork to Elberta and the Goshen Valley and Iron King segments west of Elberta.

1. The Elberta Line begins at milepost 5.52 near Spanish Fork. The west end of the Elberta Line that had been utilized for service in recent years is at approximately milepost 26.0, providing switching room for Deseret's facility. Accordingly, about 20.5 miles of track must be utilized exclusively to service the Deseret facility. Between milepost 5.52 and milepost 13.06 at Payson, the track is owned by UTA but UP has responsibility for maintenance; west of Payson, the line is owned by UP alone. At the end of 2003, UP took the Elberta Line out of service due to deteriorating track condition and has since compensated Deseret when the overall cost of alternative service to Deseret was higher than the rates that would have been paid for direct rail service.

2. Union Pacific recently completed an economic study that made use of two major inputs - (a) the calculation by our Engineering Department of the rehabilitation expenditures needed to bring the Elberta Line back in service at a maximum of ten miles per hour (Federal Railroad Administration Class I condition), and (b) the 300 car traffic projection that Deseret gave Trevor Rooker in December 2005. First, regarding rehabilitation, the Elberta Line requires the replacement of approximately 25,000 ties and about 6 miles of worn and/or light weight rail, plus some other work, costing a total of more than \$4 million. Second, we attached revenue to the various traffic flows comprising the traffic projection. The result is that, to cover both Union Pacific's day to day operating expenses and the rehabilitation, we would have to receive additional annual compensation from Deseret that would, at the 300 car level, effectively constitute a doubling of the freight rates on the line.

Union Pacific realizes that Deseret could not reasonably justify such significant expenditures when alternatives such as transloading are clearly cheaper. Accordingly, Union Pacific sees no reasonable alternative but to pursue discontinuance authority for

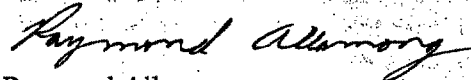
Marketing & Sales

UNION PACIFIC RAILROAD
1400 Douglas St., Stop 1350, Omaha, NE 68179-1350

the Elberta Line. When the STB grants discontinuance authority, the railroad's common carrier obligation to provide physical service – or compensation in lieu of physical service – comes to an end, but the track structure and right of way remain in place, leaving at least a chance that the line could be reactivated in the future. However, Union Pacific is of the opinion that in this case, the ultimate fate of the Elberta Line will be complete abandonment and liquidation. It is expected that Union Pacific will file the discontinuance around the end of the summer, and the processing of same would likely take the STB around five months. Accordingly, it is expected that Union Pacific will have around eight more months of substitute service obligation to Deseret.

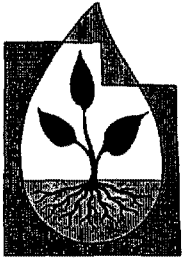
We appreciate your views and comments regarding the unfortunate economic situation of the Elberta Line and the regrettable but necessary planned STB filings.

Sincerely,

A handwritten signature in dark ink, appearing to read "Raymond Allamong". The signature is fluid and cursive, with the first name "Raymond" being more prominent than the last name "Allamong".

Raymond Allamong
Senior Manager Rail Line Planning
402-544-3889

July 31, 2003



NRCS *Utah*

United States
Department of
Agriculture

Natural
Resources
Conservation
Service

Utah State Office
125 South State
Room 4402
Salt Lake City, UT
84138-1100

Phone:
801 524-4550

FAX
801 524-4403

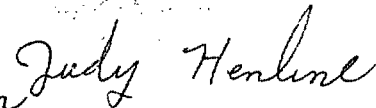
Mr. Charles Saylor
Union Pacific Railroad Company
1416 Dodge Street
Omaha, Nebraska 68179

Dear Mr. Saylor:

We have reviewed your request for a Prime Farmland evaluation for the proposed abandonment of the Elberta Line from Spanish Fork to Iron King in Utah County, Utah. The project will not affect any prime, unique, or statewide and local important farmland.

If we can be of further assistance, please call on us.

Sincerely,



William Broderson
State Soil Scientist



United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
2369 WEST ORTON CIRCLE, SUITE 50
WEST VALLEY CITY, UTAH 84119

In Reply Refer To

FWS/R6
ES/UT
03-1106

August 12, 2003

Charles W. Saylor
Union Pacific Railroad
1419 Dodge Street, Room 830
Omaha, NE 68179

RE: Proposed Abandonment of the Elberta Line from Spanish Fork to Iron King, Utah
County, Utah

Dear Mr. Saylor:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter of July 18, 2003, announcing your intent to prepare an environmental assessment on the proposed abandonment of a total of 27.57 miles of the Elberta Rail Line between Spanish Fork and Iron King. We are providing the following comments for your consideration in your analysis. In Section 1 of this letter we convey our concerns that should be addressed in the NEPA compliance document for this project. Section 2 of this letter addresses your Endangered Species Act (ESA) section 7 responsibilities.

Section 1

We recommend that the sections of rail proposed for abandonment be investigated for environmental contaminants, including both soil and water quality testing. The presence or absence of petroleum products, heavy metals, or other toxic contaminants should be assessed, and, if present, a full environmental remediation plan designed and implemented. This plan should include subsequent monitoring and testing.

We are particularly concerned for sensitive aquatic species, such as the spotted frog and least chub, that are known to occupy springs and streams in the vicinity of the rail line. These species are particularly sensitive to water contamination. While not listed as threatened or endangered under the ESA, spotted frog and least chub are considered sensitive species by the State of Utah. They are managed under a Conservation Agreement which is a voluntary cooperative plan among resource agencies that identifies threats to a species in decline and provides for conservation measures to pro-actively conserve and protect the species. Signatory parties to the Conservation Agreements include Federal and Tribal agencies, typically with the State of Utah as the lead management agency. Threats that may warrant listing as a sensitive species by state and federal agencies should be significantly reduced or eliminated through implementation of the

Only a Federal agency can enter into formal ESA section 7 consultation with the Service. A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to the Service of such a designation. The ultimate responsibility for compliance with ESA section 7, however, remains with the Federal agency.

Your attention is also directed to section 7(d) of the ESA, as amended, which underscores the requirement that the Federal agency or the applicant shall not make any irreversible or irretrievable commitment of resources during the consultation period which, in effect, would deny the formulation or implementation of reasonable and prudent alternatives regarding their actions on any endangered or threatened species.

Please note that the peregrine falcon which occurs in all counties of Utah was removed from the federal list of endangered and threatened species per Final Rule of August 25, 1999 (64 FR 46542). Protection is still provided for this species under authority of the Migratory Bird Treaty Act (16 U.S.C. 703-712) which makes it unlawful to take, kill, or possess migratory birds, their parts, nests, or eggs. When taking of migratory birds is determined by the applicant to be the only alternative, application for federal and state permits must be made through the appropriate authorities. For take of raptors, their nests, or eggs, Migratory Bird Permits must be obtained through the Service's Migratory Bird Permit Office in Denver at (303) 236-8171.

We recommend use of the *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* which were developed in part to provide consistent application of raptor protection measures statewide and provide full compliance with environmental laws regarding raptor protection. Raptor surveys and mitigation measures are provided in the Raptor Guidelines as recommendations to ensure that proposed projects will avoid adverse impacts to raptors, including the peregrine falcon.

The following is a list of species that may occur within the project area and are managed under Conservation Agreements/Strategies. Project plans should be designed to meet the goals and objectives of these Conservation Agreements.

Common Name

Bonneville Cutthroat Trout

Spotted Frog


Scientific Name

Oncorhynchus clarki utah

Rana luteiventris

We appreciate the opportunity to provide these comments. If we can be of further assistance or if you have any questions, please feel free to contact Betsy Herrmann, Ecologist, of our office at (801)975-3330 extension 139.

Sincerely,



For

Henry R. Maddux
Utah Field Supervisor

Conservation Agreement. Projects that could cause degradation or loss of spotted frog or least chub habitat would go against the spirit and intent of this Conservation Agreement.

Railroad structures can disrupt natural hydrology in an area, and can over time create wetlands. Salvage activities (removal of track, ties, bridges, culverts) can destroy these wetlands and disrupt habitat that has been established. We recommend assessing the affected environment if such activities are proposed, and determining the potential extent of impacts. We suggest restricting any salvage to months when species of concern are not present or, at minimum, not breeding.

Section 2

Below is a list of endangered (E), threatened (T), and candidate (C) species that may occur in the area of influence of your proposed action.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Clay Phacelia	<i>Phacelia argillacea</i>	E
Deseret Milkvetch	<i>Astragalus desereticus</i>	T
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	T
Utah Valvata Snail ¹	<i>Valvata utahensis</i>	E
June Sucker ²	<i>Chasmistes liorus</i>	E
Bald Eagle ³	<i>Haliaeetus leucocephalus</i>	T
Western Yellow-billed Cuckoo	<i>Coccyzus americanus occidentalis</i>	C

¹ Historical range.

² Critical habitat designated in this county.

³ Wintering populations (only four known nesting pairs in Utah).

The proposed action should be reviewed and a determination made if the action will affect any listed species or their critical habitat. If it is determined by the Federal agency, with the written concurrence of the Service, that the action is not likely to adversely affect listed species or critical habitat, the consultation process is complete, and no further action is necessary.

Formal consultation (50 CFR 402.14) is required if the Federal agency determines that an action is "likely to adversely affect" a listed species or will result in jeopardy or adverse modification of critical habitat (50 CFR 402.02). Federal agencies should also confer with the Service on any action which is likely to jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat (50 CFR 402.10). A written request for formal consultation or conference should be submitted to the Service with a completed biological assessment and any other relevant information (50 CFR 402.12).

Candidate species have no legal protection under the ESA. Candidate species are those species for which we have on file sufficient information to support issuance of a proposed rule to list under the ESA. Identification of candidate species can assist environmental planning efforts by providing advance notice of potential listings, allowing resource managers to alleviate threats and, thereby, possibly remove the need to list species as endangered or threatened. Even if we subsequently list this candidate species, the early notice provided here could result in fewer restrictions on activities by prompting candidate conservation measures to alleviate threats to this species.



October 17, 2006

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Office of Planning and Budget
State Capitol Complex, Suite E210
Salt Lake City, UT 84114-1547

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P.O. Box 144870
Salt Lake City, UT 84114-4870

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Yours truly,

Charles W. Saylor
Charles W. Saylor

Attachment



The National Park Service reviewed this project and determined that no parks will be affected; therefore, we have no comments.

Signed: *Cheryl Pinkert* Date: *10/25/06*